

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RANSOM PARRIS,

Plaintiff,

v.

**Civil Action No. 3:07cv24
(Judge Bailey)**

ALBERT FORDYCE,

Defendant.

OPINION/REPORT AND RECOMMENDATION

On February 8, 2007, the *pro se* plaintiff initiated this case by filing a civil rights complaint in the United States District Court for the Southern District of West Virginia. Because the events giving rise to the cause of action occurred at the Huttonsville Correctional Center, the case was transferred to this Court on February 9, 2007. On February 27, 2007, the Clerk sent the plaintiff a deficiency notice advising him that his case could not proceed until such time as he either paid the required filing fee or filed a request to proceed as a pauper. The plaintiff was advised that if he failed to comply with the Court's notice within 30 days, his case would be subject to dismissal.

Upon a review of the file on this date, the plaintiff has neither paid the required filing fee nor filed a request to proceed as a pauper. In addition, the plaintiff has not requested additional time to do so or otherwise explained the reasons for noncompliance. Accordingly, it is hereby recommended that this case be **DISMISSED without prejudice** for the failure to prosecute.

Within ten (10) days after being served with a copy of this recommendation, any party may file with the Clerk of Court written objections identifying those portions of the recommendation to which objection is made and the basis for such objections. A copy of any objections shall also be

submitted to the Honorable John Preston Bailey, United States District Judge. Failure to timely file objections to this recommendation will result in waiver of the right to appeal from a judgment of this Court based upon such recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208.

The Clerk is directed to send a copy of this Opinion/Report and Recommendation to the *pro se* petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: October 31, 2007.

/s John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE